

### **Chapter 3**

## **ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES THEREOF**

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**Section 3.01      Establishment of Zoning Districts**

For the purpose of this Ordinance, the Town of Fountain Hills is hereby classified into the following Zoning Districts:

OSC	Open Space Conservation District.
OSR	Open Space Recreational District.
OSP	Open Space Preservation District.
R-190	Single-Family Zoning District - 190,000 Square Feet Per Dwelling Unit.
R1-43	Single-Family Residential Zoning District - One (1) Acre Per Dwelling Unit.
R1-35	Single-Family Residential Zoning District - 35,000 Square Feet Per Dwelling Unit.
R1-35H	Single-Family Residential Hillside Zoning District - 35,000 Square Feet Per Dwelling Unit.
R1-18	Single-Family Residential Zoning District - 18,000 Square Feet Per Dwelling Unit.
R1-10	Single-Family Residential Zoning District - 10,000 Square Feet Per Dwelling Unit.
R1-10A	Single-Family Residential Zoning District - 10,000 Square Feet Per Dwelling Unit.
R1-8	Single-Family Residential Zoning District - 8,000 Square Feet Per Dwelling Unit.
R1-8A	Single-Family Residential Zoning District - 8,000 Square Feet Per Dwelling Unit.
R1-6	Single-Family Residential Zoning District - 6,000 Square Feet Per Dwelling Unit.
R1-6A	Single-Family Residential Zoning District - 6,000 Square Feet Per Dwelling Unit.

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M-1	Multiple-Family Residential Zoning District.
M-2	Multiple-Family Residential Zoning District.
M-3	Multiple-Family Residential Zoning District.
R-2	Two-Family Residential Zoning District.
R-3	Multiple-Family Residential Zoning District.
R-4	Multiple-Family Residential Zoning District.
R-5	Multiple-Family Residential Zoning District.
C-O	Commercial Office Zoning District.
C-C	Common-Commercial Zoning District.
C-1	Neighborhood Commercial Professional District.
C-2	Intermediate Commercial Zoning District.
C-3	General Commercial Zoning District.
IND-1	Planned Industrial Zoning District.
IND-2	Light Industrial Zoning District.
UT	Utility Zoning District.
MH	Mobile Home Zoning District.
L-1	Lodging Zoning District.
L-2	Lodging Zoning District.
L-3	Lodging Zoning District.

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**Section 3.02      Boundary Lines on the Zoning District Maps**

The boundaries of the aforesaid Zoning Districts are shown upon the maps designated as the "Official Zoning District Maps". The Official Zoning Map shall be located in the office of the Zoning Administrator. The Zoning District maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

**Section 3.03      Boundary Determination**

Where uncertainty exists with respect to the boundaries of any Zoning District as shown on the Zoning District maps, the following rules shall apply:

- A.**    Where Zoning District boundaries are indicated as approximately following street or alley lines or the centerlines thereof, such lines shall be construed to be the Zoning District boundaries.
- B.**    Where Zoning District boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the Zoning District boundaries.
- C.**    Where Zoning District boundaries are indicated as approximately following the line of any stream, wash or other waterway, or the boundary line of public land, the center of such stream, wash or waterway, or the boundary line of such public land shall be construed to be the Zoning District boundaries.
- D.**    In unplatted land or where a Zoning District boundary divides a parcel of land, the location of such boundary, unless indicated by dimensions shown on the Zoning District maps, shall be determined by the use of the scale appearing on said maps.
- E.**    Where such boundaries have been changed by the Town Council pursuant to Chapter 2 of this Ordinance and where such changed boundaries are shown on detailed maps, the detailed maps shall govern in event there is any difference between the boundaries shown on the Zoning District maps adopted as part of this Ordinance, or subsequent amendments thereto, and the detailed maps.

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**Section 3.04     Public Way Vacation**

Whenever any street, alley or other public way is vacated by the Town Council, the Zoning Districts adjoining each side of such street, alley or public way shall be considered as extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Ordinances.

**Section 3.05     Lands Not Previously Zoned**

Lands which for reason of law, change in ownership or for any other reason, come under the authority of the Town of Fountain Hills after this Ordinance becomes effective and which have not been zoned prior thereto by any other jurisdiction having zoning authority, shall be subject to the regulations of the R1-43 Zoning District until such time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

**Section 3.06     Lands Previously Zoned By Other Jurisdictions**

Lands which for reason of law, change in ownership or for any other reason, come under the authority of the Town of Fountain Hills after this Ordinance becomes effective and which have been zoned prior thereto by another jurisdiction having zoning authority, shall retain such zoning until such time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

**Section 3.07     Interpretation**

**See Section 1.04**

**Section 3.08     Flood Control Regulations**

This Zoning Ordinance and all amendments hereto shall be consistent with and subject to the regulations and provisions of the Flood plain Regulations of the Town of Fountain Hills.